# United States District Court

## WESTERN DISTRICT OF MICHIGAN

### **UNITED STATES OF AMERICA**

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# ORDER OF DETENTION PENDING TRIAL

REED STANLEY BERRY	Case Number: 1:11-mj-82

'\		STANLET BEINN	<del></del>
requir	In a e the	accordance with the Bail Reform Act, 18 U.S.C.§3142( e detention of the defendant pending trial in this case	f), a detention hearing has been held. I conclude that the following facts
		Part I - Fi	indings of Fact
	(1)	The defendant is charged with an offense descrioffense) (state or local offense that would have been existed) that is	ibed in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal n a federal offense if a circumstance giving rise to federal jurisdiction had
		a crime of violence as defined in 18 U.S.C.§3	156(a)(4).
		an offense for which the maximum sentence	is life imprisonment or death.
		an offense for which the maximum term of i	mprisonment of ten years or more is prescribed in
		a felony that was committed after the defenda U.S.C.§3142(f)(1)(A)-(C), or comparable state	nt had been convicted of two or more prior federal offenses described in 18 e or local offenses.
	(2)		while the defendant was on release pending trial for a federal, state or local
offense.  A period of not more than five years has elapsed since the (date of of the offense described in finding (1).			e the (date of conviction) (release of the defendant from imprisonment) for
	(4)	Findings Nos. (1), (2) and (3) establish a rebuttable p	resumption that no condition or combination of conditions will reasonably community. I further find that the defendant has not rebutted this
	(1)	Alternate There is probable cause to believe that the defend	Findings (A) ant has committed an offense
		for which a maximum term of imprisonment under 18 U.S.C.§924(c).	of ten years or more is prescribed in
	(2)		stablished by finding 1 that no condition or combination of conditions will nt as required and the safety of the community.
_		Alternate	Findings (B)
	(1)	There is a serious risk that the defendant will not a	
X	(2)	There is a serious risk that the defendant will enda	nger the safety of another person or the community.
		reflects a lengthy history of marijuana use, beginnir	convictions dating back to when he was a minor. His record also ng when he was 17, and culminating in daily use until the summer of sentenced in June 2007 for the delivery/manufacture of marijuana, so any ation of the law, but of his probation/parole as well.
			d that the defendant knew the FBI was (continued on attachment)
		Part II - Written Stateme	nt of Reasons for Detention
d that t	the c	credible testimony and information submitted at	the hearing establishes by a preponderance of the evidence that
nd cor as rel	nvind ease	cing evidence that no condition or combination of ed. In addition to the present offense, defendar	resence of the defendant for future court proceedings and by clear of conditions will assure the safety of the community, if defendant at is well aware the FBI is using considerable resources to prorist-related activities. He is aware (continued on attachment)
			ns Regarding Detention
icility s efenda r on red	epar nt sh aues	rate, to the extent practicable, from persons awaiti	General or his designated representative for confinement in a correction ing or serving sentences or being held in custody pending appeal. The consultation with defense counsel. On order of a court of the United State charge of the corrections facility shall deliver the defendant to the United with a court proceeding.
Dated:	Se	eptember 28, 2011	/s/ Hugh W. Brenneman, Jr.
			Signature of Judicial Officer
			Hugh W. Brenneman, United States Magistrate Judge
			Name and Title of Judicial Officer

United States v. **REED STANLEY BERRY** 1:11-mj-82 **ORDER OF DETENTION PENDING TRIAL** Page 2.

### **Alternate Findings (B)** - (continued)

investigating him for terrorist-related activities, but he nevertheless attempted to ram the car of a special agent of the FBI who was surveilling him on the weekend of September 11, 2011.

Defendant's criminal record is replete with instances showing a repeated disregard of the judicial system. On six or more occasions, defendant has had his bond, probation or parole revoked, resulting in him being returned to prison or other custody.

Defendant also told the FBI that he had been planning to join his wife in London and never return to the United States before the federal government put him on a no-fly status. Defendant also purportedly told a defendant who has been indicted for terrorist-related activities that he (Berry) wanted to travel to Somalia "for vacation."

Defendant is aware of how seriously the FBI is pursuing an investigation of him pertaining to alleged terrorist-related activities.

#### Part II - Written Statement of Reasons for Detention - (continued)

he has been put on the no-fly list. He has a wife in London. He has told the FBI that he wants to leave this country and never return. He has allegedly told at least one other person under indictment for terrorist-related activities that he would like to go to Somalia, the home of a known terrorism organization. Thus, he has a substantial interest in fleeing and has said that if he leaves the United States, he does not intend to return. The court further finds that defendant has been continually involved in criminal activity during his adult life and that when placed under the trust of the court will, based upon past performance, be unmanageable and can be expected to commit further misconduct. If a defendant's behavior is unmanageable when he is on bond, probation or parole, there is no way for the court to assure the safety of the community.